IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 26116 of 2004(H)

OP.198/2000 of FAMILY COURT, KOTTAYAM
.....

PETITIONER:

ASHRAF AHAMMED, S/O.AHAMMED KOYA, R/A. 3104, OCCIDENTAL DRIVE #135, SACRAMENTO, CALIFORNIA, REP. BY HIS POWER OF ATTORNEY HOLDER M.NAZAR, MANDANATH HOUSE, EDAPPALLIKOTTA, CHAVARA 691 583, KOLLAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
SRI.T.V.VIJAYARAJAN
SRI.M.SAJJAD

RESPONDENTS:
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1. KAVITHA JALAL, D/O.JALAUDHEEN, ETTUPANKIL, ERATTUPETTA 680 122, KOTTAYAM DISTRICT

2. AHAMMED KOYA, MANDATH HOUSE, EDAPPALLIKOTTA, KOLLAM DISTRICT.

3. NABEEZA BEEVI, W/O.AHAMMED KOYA, MANDETH HOUSE, EDAPPALLIKOTTA, KOLLAM DISTRICT.

4. THE FAMILY COURT, KOTTAYAM, ETTUMANOOR.

R1 BY ADV. SMT.H.SUBHALEKSHMI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 26116/2004 h

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE OP NO. 198/2000 FILED BEFORE THE FAMILY COURT, ETTUMANOOR DT. 18/4/00.

EXT.P2. COPY OF THE POWER OF ATTORNEY DT. 18/11/2003.

EXT.P3. COPY OF THE APPLICATION TO SET ASIDE THE EXPARTE ORDER DT. 16/2/2004.

EXT.P4. COPY OF THE ORDER IN IA NO. 253/2004 IN OP NO.198/00 DT. 14/7/2004.

EXT.P5. COPY OF THE ORDER IN IA NO. 254/2004 IN OP NO. 198/2000 DT. 14/7/2004.

True copy

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PIUS C. KURIAKOSE,J.

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W.P.(C) No.26116 of 2004

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Dated: 27th June, 2007

JUDGMENT

No representation for the petitioner. In all probability the Writ Petition has become infructuous since by this time the O.P. pending before the Family Court would have been disposed of. It is Ext.P5 order of the Family Court which is impugned in this Writ Petition. Under Ext.P5 the learned Judge of the Family Court has refused to entertain an application to set aside an ex parte order passed by the Court filed by a stranger. Under Ext.P5 the court below observed that if the petitioner (who is the 1st respondent before the Family Court) wants to file an application on behalf of the respondent in the O.P. before the Family Court, he will have to obtain a regular Power of Attorney from that respondent. I do not find any infirmity about the impugned order. The Writ Petition will stand dismissed. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**